1:Gallin E-4,5 (1957-1958) 1966
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turn and ahead of time. Frequently, when this or some other form of stealing water occurs, there is physical violence. Since a concentration of fields in a small area is likely to be cultivated by farmers from several villages, violence between individuals often causes animosity between villages.

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Sometimes when the water supply is short, it is very late in coming through the irrigation canals to the Hsin Hsing area because it is being held up at a gate in the water head area. If this creates an emergency, equipment is brought in to pump the water directly from the river into the canal and then into the ditches of the area. The operation of this pumping equipment is almost entirely paid for by the Water Conservation Association, but at the same time, part of the expense of maintaining the pumps must usually be borne by the farmers of that area.

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When a serious water shortage occurred in 1958, it was after many requests by the farmers of the area and through the efforts and influence of their small water unit chief, a rich landlord, that pumps were finally brought in. However, instead of the pumps being installed immediately, problems developed which delayed their use for several days. Those farmers who were mainly from one village with land in the water head declared that they would not participate in paying the extra costs of operating the pumps. This unusual noncooperative attitude was the result of bad *kan-ch'ing* between themselves and the farmers from other villages over the election of the small water unit chief.

The farmers with fields in the water head were receiving what little water was coming through the system. In addition, when the pumps brought in more water, these farmers felt free to continue to use the water since it ran through public ditches. Therefore, the farmers with fields toward the water tail decided that they too would refuse to pay for the pumping so long as the people in the water head were taking the water without paying for it. They also felt that by the time the water reached the water tail under the normal rotation system it would be too late to be of use. Therefore, they insisted that everyone, including the farmers of the water head area, share in the costs of pumping and also that the normal rotation order under which the water tail received the water last be changed. Since most of the water coming through the irrigation system would be pumped into it, they insisted that all the farmers draw lots to determine the order of rotation. Because the villages of the water head refused to participate in any such arrangement, the Water Conservation Bureau office and the local police were asked to settle the dispute. These officials agreed in this instance that the rotation order should be determined by drawing

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lots. However, the farmers of the water head area still refused to take part, and the Water Conservation Bureau and the police who had been requested to intervene then told the farmers to mediate the dispute themselves.

Dependence upon mediation as a primary solution to all disputes seems to be as common in rural Taiwan today as it has traditionally been. The reason for this is that rural people usually do not wish to become involved with the authorities and so seek to mediate most problems among themselves. The person who immediately takes a dispute to the authorities is considered unreasonable. If the problem is recognized as being severe, and it does become necessary to take it to the authorities, too often they—including the police, courts, and local civil officials—do not wish to become involved in local problems. Involvement costs them time and trouble and may mean making enemies. Therefore, wherever it is at all possible, the authorities insist that the disputants mediate their own problem.

However, in the mediation of disputes, one of the disputants not uncommonly has an advantage, simply because he is more powerful, that is, has more prestige, money, and influence. Although the idea of reasonableness of disputants' demands is inherent in the concept of mediation, such a powerful disputant is not likely to be particularly reasonable in his demands for settlement.

This was the case in the above mentioned irrigation problem. Obviously, in order to change the rotation order successfully, all farmers concerned had to be in unanimous agreement. However, the farmers in the water tail area could do little to force the issue, since the farmers in the water head area had nothing to gain by cooperation. Finally, as the situation became critical, the pumps were put into operation by the small water unit chief and his assistants in order to try to save the rice crops. The allocation of the excess expenses for operating the pumps was left for a later decision.

While for the most part the public irrigation system runs smoothly as long as there is enough water, there are occasions where a lack of cooperation upsets the operation of the system and the fair distribution of water to all. There have been a few occasions when several men from a large village in the water head area opened the dam on the river so that little water flowed into the canal and down to the water tail. They did it simply to make it easier to catch fish. This demonstration of complete lack of social responsibility toward their fellows was condemned by all the villagers whose fields were affected by the cutoff of the water supply. However, the villagers of the water head area, who were not affected, did not actively censure their fellows even though they did not condone the act. The apparent lack of concern for the welfare of people of another area is not unusual. In this case the

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312 474 servation Bureau and Association and can therefore exert a great deal of influence if any problems should arise in dealing with these agencies.

[653] The farmers who receive water from private irrigation systems must also be members of the area Water Conservation Association, and therefore pay for the use of the water which is considered public. Water is usually distributed among members of the pumping station cooperatives on the basis of rotation, the order of which is determined by drawing lots. The land of some farmers served by the pumping station was formerly nonirrigated, so these men had to dig their own irrigation ditches. However, some members of the cooperative also cultivate paddy land which is in the water tail area of the public irrigation system. In these cases, when the farmers joined the cooperative, the public irrigation ditches were frequently used to carry the privately pumped water to their land, usually at times when there was no public irrigation water coming through the ditch. The use of these 312 474 578 public irrigation ditches for the water pumped by the cooperative is sometimes responsible for disputes and even violence, as will be seen in the case of a Hsin Hsing farmer who was not a member of the large cooperative. Li Fan took water for his field from the public ditch. Two members of the cooperative accused him of stealing the cooperative's water, claiming that there was little public water coming through at the time, and beat him severely. This incident caused controversy and antagonism between Hsin Hsing and Ta Yu, the village in which most [629] of the members of the cooperative lived. When mediation yielded no solution to the conflict, the villagers finally resorted to the courts. [692] (This case is described in detail in Chapter 6.)

241 312 474 433 The building of these pumping station cooperatives has greatly increased agricultural production for the lands they serve. Much of the land they irrigate was formerly dry land producing only such crops as sweet potatoes, special broom grasses, cucumbers, and peanuts. Today, these same lands are good rice producers. In addition, the lands benefiting from the private irrigation systems can usually receive water earlier than the surrounding water tail land which gets water from the public irrigation system. Consequently, while the water tail land frequently receives too little water too late, the land privately irrigated by the pumping stations usually receives ample water much earlier. This means that farmers benefiting from the private irrigation systems rarely have any difficulty in planting and harvesting according to the dates specified by the agricultural calendar.

312 571 628 Thus, the expansion of the irrigation network, both public and private, has required villagers to involve themselves with people and government in places where they previously had few, if any, relations. Irrigation networks cross village and even area boundaries. Although

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159 612 628 much aroused by the beating of their fellows, later became wary when they began to realize that many of the Ta Yu villagers taking an active part on that side were their own *ch'in ch'i* relatives. To participate actively thus meant fighting against relatives with whom it has always been considered important to maintain good relations. Although these people still wanted to help Li Fan and their own village, they could not do so openly, but rather had to do it in secret.

Other villagers, because of their *ch'in ch'i* relatives in Ta Yu, could not or would not help even in secret, although some continued to pay lip service to the cause of their fellow villager. There were, however, a few villagers who could not even do this. They felt such strong loyalties to their *ch'in ch'i* that they acted as "spies," telling their Ta Yu *ch'in ch'i* of the plans being made in Hsin Hsing to fight the case. Obviously, they considered their relationships with their *ch'in ch'i* more important than those with their fellow villagers. This was realized by the Hsin Hsing villagers who, although somewhat angry, could do nothing more than attempt to keep these people from learning their plans for the case.

159 621 628 The village mayor and several others who might otherwise have been organizers in Li Fan's behalf were among those who could give only limited open help. Therefore, on the Hsin Hsing side there was a complete absence of organized leadership. For want of someone who could or would lead, the village did little except talk about the case.[1]

Not very long after the day of the beating the story of the incident had spread through the whole area. People were talking about the case so much that the winning of it by Hsin Hsing now became as much a matter of face as anything else. Hsin Hsing villagers began to express fears that "if these two Ta Yu villagers were to go unpunished, it would mean that anyone could beat Hsin Hsing villagers or their children at will." No one would respect their rights or face any more if they did nothing about the case.

159 62 [618] [612] As some days passed without anything being accomplished in the matter, some villagers who could openly show concern in the case (for example, a few *ch'in tsu* and *ch'in ch'i* of Li Fan and his father and also some of their close friends in the village) became active in Li Fan's behalf. They managed to gather together the village men to discuss the matter at a meeting. During the course of the meeting, it became evident that the villagers generally did not know what course of action to take. Their main hope was to settle the matter through the traditional process of mediation rather than take the case through the courts. They feared that going to court would be expensive and take a great deal of time before settlement. But, perhaps even more important, they felt that because they were a small and poor village which was up against a large village and a wealthy, influential pumping

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station association, the whole case would be of no avail. They had always held the idea that the poor man without influence could do nothing against the rich and influential. The latter two elements, money and influence, seemed to them to constitute ultimate power. To attempt to do anything against this power was useless. For them even the law was subject to influence by the individuals who hold the power. (This belief was undoubtedly reinforced during the period of Japanese rule, and the present government has done little to remove it.)

At the same time, the villagers felt that since Ta Yu was a neighboring village in which many Hsin Hsing villagers had relatives, if they were to continue to live in peace with Ta Yu and their relatives it was necessary to avoid doing anything which would contribute further to the tensions. After much discussion it became evident that the villagers preferred first to try again to mediate the problem. However, if this did not work out satisfactorily then the case would have to go to court, although they very much doubted that anything could be gained from a court trial.

A few days after the village meeting was held, the Ta Yu side again approached the village—this time through the mayor—asking that they again try to mediate the case. One of the influential men of the area had offered to be mediator at his home in another village about two miles down the road. Mayor K'ang of Hsin Hsing, an educated member of the large Huang *tsu* in Hsin Hsing village, and others of its villagers directly involved in the case attended the mediation meeting.[3] The mediator was a man who was considered to be biased in favor of Ta Yu, and he displayed his bias in the manner in which he tried to mediate the case. Still, since the role of the mediator is a very respected one, the Hsin Hsing villagers agreed to attend the meeting and stayed throughout the proceedings. They felt that it would have been disrespectful to the mediator to leave too soon and that, in addition, it would cause him to lose face, which was to be avoided. Nothing came of this meeting, since the mediator suggested that the Ta Yu side pay Li Fan and his father only a small amount of money as compensation for their injuries.

After several such futile attempts at mediation, the case was finally called up for investigation in the courts. The court procedure called for the accused and the accusers and their witnesses to appear in a special investigative court somewhat similar to a grand jury. The purpose was to investigate the charges, hear the witnesses, and then decide if the court should indict the accused.

The investigation is highly formalized. Since neither the accused nor the accuser may have their lawyer present, the only document on which the investigators base their inquiry is the original letter of accu-

632 office. There are two reasons for this: since a minimal
556 level of wealth is considered to indicate ability, a poor man is probably not very able or intelligent; and since leisure time at odd moments is required to conduct political business, a laborer probably does not have control over his working hours to the degree of self-employed men.

632 Rather than the expensive personal entertainment of
594 visiting officials by the mayor who provides food and drink which is characteristic of some communities, Sanlei residents and the li in general, invite external officials to the community parties, weddings, and sworn brothers' association dinners. This custom probably developed because of the absence of landlords who might have been able to afford the expenses cut of their own pockets.

632 The second officer is the representative to the
[692] township council. All the above qualifications described for the mayor are equally relevant for the representative except that he much less often acts as a mediator in village disputes. His official duties are as a legislator rather than an executive and his job stresses external relations by its nature, even when he is a member of the "traditional" faction.

The final local official is the village secretary who is appointed by higher level authorities rather than elected by the community. He operates out of the township office with major responsibility for taxes, household

627 they must be skilled in inter-personal relations and since it takes time to build a reputation which includes all these specifications, particularly the last one, most good mediators are between the ages of 50 and 60.

671 The entire legal process in China, both formal and informal, seems to be more concerned with "reasonableness" and "fairness" than with hard definitions of "right" and "wrong." Decisions do not seem arbitrary and have a high level of predictability.

427 There are a number of kinds of local participation.
686 Special mediation boards are created for special purposes
672 such as dealing with disputes generated out of the various Land Reform Acts. A dispute between an owner and tenant over land illustrates the concept of justice. A villager owned .3 chia of paddy land which he operated primarily with hired labor while practicing a trade. He was drafted into the army and leased the land to another villager with several small children. The lease was up, his service was completed, and he wanted the land back although he was still unmarried and practicing his trade, but the tenant was poor and needed the land. Although technically the owner should have obtained the land, the board, recognizing the needs of the tenant, decided the lease should be extended for three more years. The lease is due to end again next year and there will be another board case because both parties still want the land. Since the owner

427 is not married and still earns a good income in his trade
686 and the tenant is still poor with small children, the
692 same outcome of another extension is expected. But since the owner is seeking a wife, he plans to argue that he too will soon have small children to support. He does not expect to regain possession of the land but rather, to minimize the term of the extension and set the stage for eventual control of the land after the next lease termination. The owner is annoyed but does not feel the decision was unreasonable. Other villagers agree the owner had the law on his side and a legal claim to the land. Nevertheless, they too agree the decision was the only "fair" solution. The owner and tenant are neighbors and although there are some hard feelings, overt expression of them was not observed.

674 There have been few formal arrests of villagers and few occasions in which villagers have appeared before a criminal court. The son of a villager with a repair shop in town is serving a six-month sentence on a bad check charge which he claims was caused by someone who stole his
689 "chop." Another villager was arrested twice for being drunk and disorderly in Hsin Tien and each time, spent the night in jail. In addition to a small fine, he was forced [558] to listen to a stern lecture which caused him a great loss of face.